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# DRAFT

## ENVIRONMENTAL ASSESSMENT

LEVENGOOD ELK GAME FARM  
KALISPELL, MONTANA

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*Montana Fish, Wildlife & Parks  
Region 1  
490 North Meridian Road  
Kalispell, Montana 59901*

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# TABLE OF CONTENTS

	Page
<b>SUMMARY</b> .....	1
INTRODUCTION .....	1
OBJECTIVES .....	1
PUBLIC PARTICIPATION .....	2
PROPOSED ACTION AND ALTERNATIVES .....	2
PURPOSE AND NEED OF THE PROPOSED ACTION .....	5
ROLE OF FWP AND DOL .....	5
AFFECTED ENVIRONMENT .....	5
ENVIRONMENTAL CONSEQUENCES .....	6
EA CONCLUSION .....	7
MITIGATION MEASURES .....	7
<b>PART I. GAME FARM LICENSE APPLICATION INFORMATION</b> .....	10
<b>PART II. ENVIRONMENTAL REVIEW</b> .....	12
EA DEFINITIONS .....	12
PHYSICAL ENVIRONMENT .....	13
Land Resources .....	13
Air .....	14
Water .....	15
Vegetation .....	17
Fish/Wildlife .....	18
HUMAN ENVIRONMENT .....	20
Noise Effects .....	20
Land Use .....	21
Risk/Health Hazards .....	22
Community Impact .....	24
Public Services/Taxes /Utilities .....	25
Aesthetics/Recreation .....	26
Cultural/Historical Resources .....	27
Summary Evaluation of Significance .....	28
SUMMARY EVALUATION OF SIGNIFICANCE CRITERIA .....	29
<b>PART III. NARRATIVE EVALUATION AND COMMENT</b> .....	30
<b>PART IV. EA CONCLUSION</b> .....	31
<b>FIGURES</b>	
FIGURE 1. General Location for the Proposed Levengood Game Farm .....	3
FIGURE 2. Location of Proposed Levengood Game Farm .....	4
<b>APPENDICES</b>	
APPENDIX A Private Property Assessment Checklist	
APPENDIX B Figure 1. General Location for the Proposed Levengood Game Farm	
Figure 2. Location of Proposed Levengood Game Farm	
Figure 3. Floodplain Map for Levengood Game Farm	
Figure 4. General Layout for the Proposed Levengood Game Farm	



## **SUMMARY**

### **ENVIRONMENTAL ASSESSMENT PROPOSED LEVENGOOD ELK GAME FARM**

#### **INTRODUCTION**

Montana Fish, Wildlife and Parks (FWP) is required to perform an environmental analysis in accordance with the Montana Environmental Policy Act (MEPA) for each proposal for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment (Administrative Rules of Montana [ARM] 12.2.430). FWP uses environmental assessments (EAs) in the game farm licensing process to identify and evaluate environmental impacts of a proposed game farm. EAs are also used to determine whether the impacts would be significant and whether, as a consequence, FWP would perform a more detailed environmental impact statement (EIS).

When preparing an EA, FWP reviews environmental impacts of the Proposed Action, impacts of the No Action Alternative, and impacts of other alternative actions which include recommended and/or mandatory measures to mitigate the project's impacts. A mitigated EA includes alternatives with enforceable requirements (stipulations) which reduce impacts of the Proposed Action. The EA may also recommend a preferred alternative for the FWP decision maker.

Based upon its review of the Levengood Elk Game Farm application, FWP has prepared a mitigated EA.

#### **OBJECTIVES**

This EA has been prepared to serve the following purposes in accordance with FWP MEPA rules (ARM 12.2.430):

- to ensure that FWP uses natural and social sciences in planning and decision making;
- to be used in conjunction with other agency planning and decision-making procedures to make a determination regarding the Proposed Action;
- to assist in the evaluation of reasonable alternatives and the development of conditions, stipulations, and modifications to the Proposed Action;
- to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with the Proposed Action;
- to ensure the fullest appropriate opportunity for public review and comment on the Proposed Action; and
- to examine and document the effects of the Proposed Action on the quality of the human environment.

## **PUBLIC PARTICIPATION**

Public involvement in the EA process includes steps to identify and address public concerns. The Draft EA will be available for public review and comment from August 3, 1998 until 5 pm on August 24, 1998 at the Region 1 FWP office listed below. Submit all comments regarding this EA to the same address.

Brian Sommers  
Fish, Wildlife & Parks  
490 North Meridian Road  
Kalispell, Montana 59901

(406) 752-5501

## **PROPOSED ACTION AND ALTERNATIVES**

### **PROPOSED ACTION**

The FWP received a completed application on April 5, 1998 to build a new 45 acre Elk Game Farm approximately 4 miles south and east of Kalispell, Montana. The site is located in Flathead County along Ashley Creek (Figures 1 and 2). The game farm would include new quarantine and handling facilities as part of the proposed project.

The proposed game farm would be licensed for a maximum of 60 elk animals. The land within the proposed project area is currently agricultural land used for hay production. The purpose of the proposed project is to diversify agricultural production and complement other private recreational activities located on the property (private game bird farm, trout pond, and trap shooting club).

Fence construction would comply with proposed changes to the FWP game farm rules, and would include 8-foot high, tightlock mesh game fence supported by wooden posts or 2¼-inch steel pipes set 3 feet into the ground and spaced not more than 24 feet apart. The applicants plan to breed, sell, and dispose of domestic elk in accordance with Montana game farm and disease control requirements stipulated in Montana statute and administrative rules. The game farm would provide meat, antlers, and trophy sales, as well as elk breeding stock. Fee shooting of elk would not be conducted at the site.

### **ALTERNATIVES**

One alternative (No Action Alternative) is evaluated in this EA. Under the No Action Alternative, FWP would not issue a license for the Levengood Elk Game Farm as proposed. Therefore, no game farm animals would be placed on the proposed game farm area. Implementation of the No Action Alternative would not preclude other activities allowed under local, state and federal laws to take place at the proposed site.



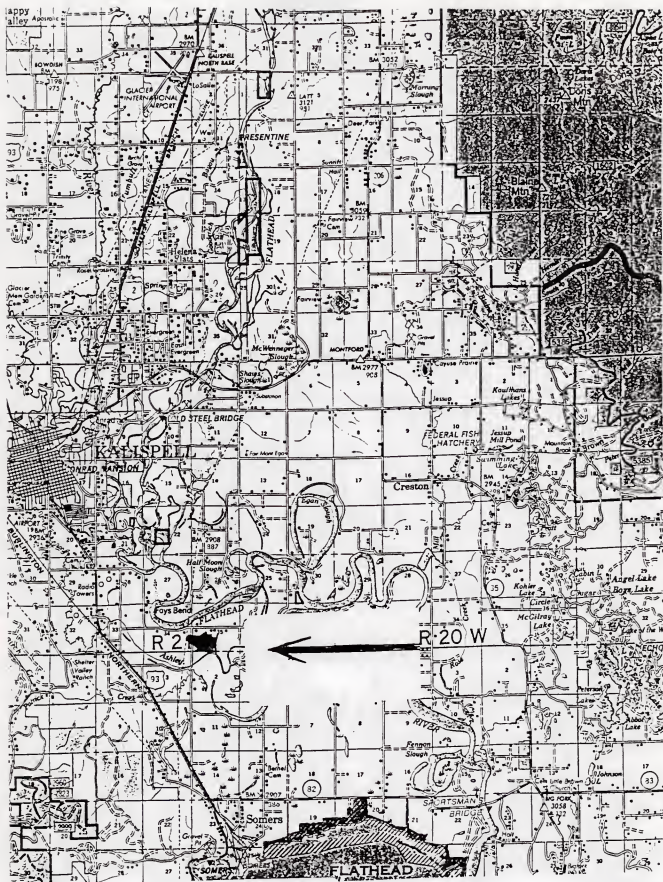
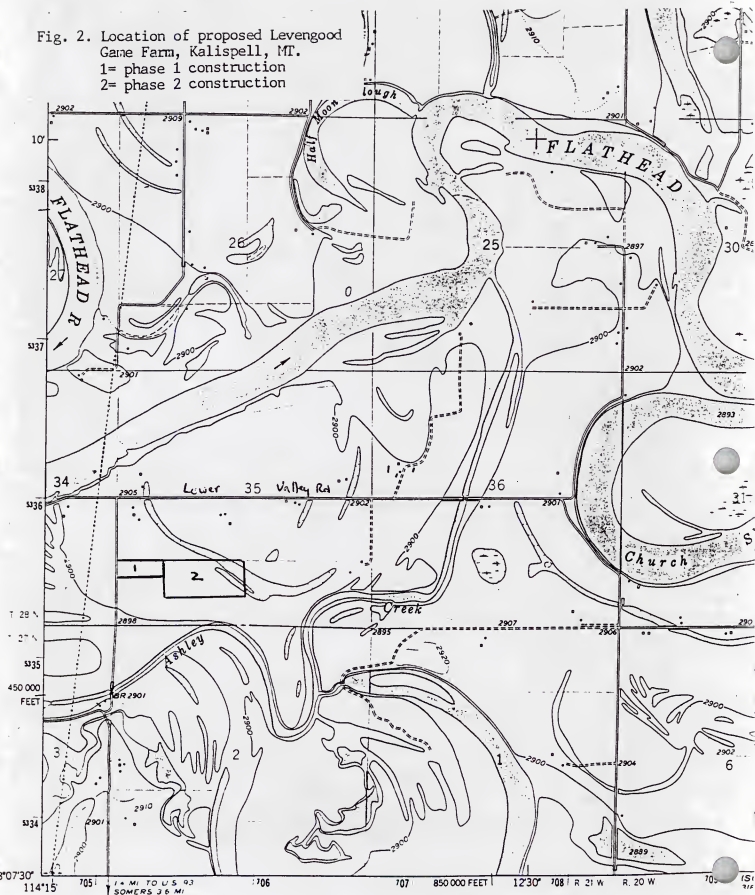


Fig. 1. General location for the proposed  
Levengood Game Farm, Kalispell,  
MT.

1= phase 1 construction  
2= phase 2 construction





## PURPOSE AND NEED OF THE PROPOSED ACTION

The proposed Levensgood Elk Game Farm is a commercial enterprise to provide meat, antlers, and trophy sales, as well as elk breeding stock for the game farm market.

## ROLE OF FWP AND DEPARTMENT OF LIVESTOCK (DoL)

FWP is the lead agency in preparing this EA for the proposed project. This document is written in accordance with the Montana Environmental Quality Council (EQC) MEPA Handbook and FWP statutory requirements for preparing an EA under Title 75, Chapter 1, Part 2 Montana Code Annotated (MCA) and FWP rules under ARM 12.2.428 et seq.

FWP shares regulatory responsibilities for new and expanding game farms with the DoL. The DoL is responsible for regulating the health, transportation and identification of game farm animals. During the application process, all quarantine area plans and specifications are submitted to the DoL for approval and inspection of the proposed quarantine facility. No licenses are issued without such approval and inspection.

## AFFECTED ENVIRONMENT

The proposed Levensgood Elk Game Farm area would ultimately comprise 45 acres of existing agricultural land located in Flathead County approximately 4 miles south and a little east of Kalispell, Montana (Figure 1). The site is located approximately 100 yards north of Ashley Creek, a tributary to the Flathead River. At present, the remaining 15 acres of this property includes a private trout pond, game bird farm and private trap shooting range. Both a caretaker and landowner have residences bordering the proposed game farm.

The proposed game farm would be constructed in 2 phases. The first phase would enclose approximately 10 acres and include quarantine and handling facilities. Phase 2 would enclose another adjoining 35 acres.

All surrounding lands are privately owned and used primarily for agriculture including crops, pasture, and hay. Some of the area has been subdivided into small 20 acre rural residential lots. The proposed elk farm lies within an area zoned as Agricultural-20.

Approximately 12 neighboring residences are located within a 1-mile radius of the site. This section summarizes the primary environmental resources in the project area.

### LAND RESOURCES

The site is situated approximately 2,900 feet above mean sea level. The general topography of the proposed game farm expansion is nearly level valley floor.

### WATER RESOURCES

The site is approximately 300 -1,000 feet north of the Ashley Creek, 1/2 mile south of the Flathead River and 6 miles north of Flathead Lake (Figure 1). Ashley Creek flows north to join the Flathead River. All of the proposed game farm lies between the 100-year and 500-year floodplain (FEMA maps, revised 1996). Water from 2 existing wells on the property would serve the proposed game farm. Well depths are 296 and 358 feet.

### VEGETATION RESOURCES

Most of the land surrounding the proposed game farm site is in agricultural production. Riparian and wetland vegetation exists along Ashley Creek and Weaver Slough to the south and the Flathead River to the north. Typical species along these waterways include black cottonwood, chokecherry, hawthorn, red-osier dogwood,

willows, cattails, and sedges. Pasture and haylands typically contain alfalfa, quack grass, smooth brome, orchard grass, and timothy. Dandelions and clover are also common.

## **WILDLIFE RESOURCES**

This area supports wildlife typical of agricultural and riparian areas in the Flathead Valley. Common species include white-tailed deer, waterfowl such as mallards and Canada geese, upland game birds such as ring-necked pheasant and Hungarian partridge. Common nongame wildlife species include western meadowlarks, common flickers, black-billed magpies, meadow voles, terrestrial garter snakes, and savannah sparrows. The area is not critical deer winter range nor an important big game migration corridor.

The area is not considered habitat for gray wolves, grizzly bears, peregrine falcons, whooping crane, or bull trout, species listed as threatened or endangered by the federal government. The bald eagle is a year-long resident and also migratory through this area. The closest active bald eagle nest is located approximately a mile north and a little west of the proposed project area along the Flathead River. The bald eagle is now scheduled for delisting. The peregrine falcon might pass through this area on a migratory basis. The bull trout is a proposed species for Federal listing as threatened and occurs in limited numbers in Flathead Lake and Flathead River. Ashley Creek does not support habitat for bull trout (T. Weaver, FWP pers. comm). There are no other Federally listed threatened or endangered species likely to occur in this area. Other large carnivores such as mountain lions and black bears are infrequent visitors to the Lower Valley area.

## **ENVIRONMENTAL CONSEQUENCES**

Only resources that have potential adverse effects from the Proposed Action are summarized in this section. A detailed discussion of environmental consequences is contained in *Part I* of this EA.

### **LAND RESOURCES**

The construction and operation of a 60-elk capacity game farm could reduce land and soil resource values due to compaction or heavy grazing. These impacts, however, can be reduced or eliminated by adjusting stocking rates; rotating, resting, and irrigating pastures; supplemental feeding of elk.

### **WATER RESOURCES**

The Proposed Action of grazing up to 60 elk on 45 acres of pasture is likely to have no adverse affect on water resources. All of the proposed game farm lies in Zone B, above the 100-year floodplain. The game farm lies between 300 and 1,000 feet from Ashley Creek.

### **VEGETATION RESOURCES**

The Proposed Action plans to place up to 60 adult elk within the 45 acre enclosure for a maximum stocking density of 0.75 acres per adult elk. It is estimated that the average adult elk consumes about 11 pounds of forage each day and that annual forage consumption would be about 4,015 pounds of forage per adult animal or 240,900 pounds/elk farm/year. Assuming an average of 5,000 pounds/acre (2.5 ton/acre) of forage production within the enclosure, the 225,000 pounds of forage would almost meet the year-long forage needs of 60 adult elk. Supplemental feed would probably be required during the winter. Production on site is dependent on management and could improve with irrigation and fertilization. There would be no direct impacts to native vegetation because it has already been lost from this site.

### **WILDLIFE RESOURCES**

The Proposed Action is not expected to significantly change the diversity or abundance of nongame species living in this area. The elk enclosure will eliminate use of the 45 acres by white-tailed deer. The proposed game farm is not large enough to significantly influence any seasonal movement of white-tailed deer through this area. The daily movements of a few deer may be changed to a minor degree, but this would not be significant. Use of the existing land by other common species in the area such as Canada Geese, mallards, and ring-necked pheasants would probably decrease or be eliminated when the game farm is at full capacity.

Pheasants and other larger birds, such as falcons in pursuit of prey, might fly into the fence and be fatally injured. This would effect individuals but not populations.

The proposed game farm does not support habitat for grizzly bear or gray wolf. Bald eagles, a threatened species, uses Ashley Creek, Flathead River and surrounding agricultural lands year-round. The closest bald eagle nest is approximately a mile north and east of the Proposed Project. Bald eagles are proposed for delisting. Neither construction nor operation should affect bald eagle reproduction or use of the general area.

There is an undetermined potential of domestic elk carrying or becoming infected with a contagious wildlife disease or parasite such as tuberculosis, chronic wasting disease, or meningeal worm and then coming in contact (through-the-fence, nose-to-nose, nose-to-soil, or ingress/egress) with wild deer, elk, or other wildlife. Release of a contagious disease in the wild could severely impact native wildlife populations. It is also possible that disease and parasites carried by wild elk could be introduced to domestic elk with equally severe impacts. Ingress of wild elk, deer, and moose would likely result in the destruction of trespassing animals.

### **CUMULATIVE EFFECTS**

The Proposed Action would not result in potential impacts that are individually minor but cumulatively considerable. Cumulative effects from past, present, and reasonably foreseeable activities in all resource areas would be similar to those described for the Proposed Action.

## **EA CONCLUSION**

MEPA and game farm statutes require FWP to conduct an environmental analysis for game farm licensing as described in the Introduction of this Summary. FWP prepares EAs to determine whether a project would have a significant effect on the environment. If FWP determines that a project would have a significant impact that could not be mitigated to less than significant, the FWP would prepare a more detailed EIS before making a decision.

Based on the criteria evaluated in this EA, an EIS would not be required for the proposed Levensgood Game Farm. The appropriate level of analysis for the Proposed Action is a mitigated EA because all impacts of the Proposed Action have been accurately identified in the EA, and all identified significant impacts would be mitigated to minor or none.

## **MITIGATION MEASURES**

The mitigation measures described in this section address both minor and significant impacts. FWP would require stipulations to mitigate all potentially significant impacts resulting from the Proposed Action. Potential minor impacts from the Proposed Action are addressed as mitigation measures that are strongly recommended to remain in compliance with state and federal environmental laws, but not required.

### **REQUIRED STIPULATIONS**

The following stipulation is designed to mitigate significant impacts identified in the EA to below the level of significance:

*Report the ingress of any wild game animals or egress of domestic elk to FWP immediately. The report must contain the probable reason why or how ingress/egress was achieved.*

This stipulation is imposed to mitigate potentially significant risk to wildlife health posed by the proposed game farm. Risk to wildlife health from contact between game farm animals and wild game is potentially significant due to the site being located in an area currently utilized by wild game.

The information provided by this stipulation would help both the applicant and FWP to address ingress and egress incidents and to minimize contact between wild and domestic animals. This stipulation, in addition to

existing FWP fencing and wildlife protection requirements, would effectively reduce the risk to wildlife health to below significant.

Fee shooting of elk is not proposed as part of the game farm; therefore, this activity was not evaluated as part of the EA and would not be allowed as part of the game farm license.

## RECOMMENDED MITIGATION MEASURES

The following mitigation measures address minor impacts identified in the EA that are likely to result from the Proposed Action.

### Land Resources

- Maintain a reasonable stocking rate within the game farm enclosure to maximize vegetative cover and minimize runoff, erosion, and potential changes in soil structure. A "reasonable stocking rate" is defined under *EA Definitions*, in Part II of the Environmental Review.

### Air Resources

- Use appropriate dust management activities, including spraying water on unpaved roads during the dry season, vegetating exposed ground where possible, protecting soil piles from wind erosion, and limiting ground disturbances to the area necessary to complete the job.
- Incorporate waste into soil quickly by plowing or discing.
- Spread waste during cool weather or in the morning during warm, dry weather.
- Cover animal carcasses buried on the game farm with a minimum of 2 feet of soil; carcasses may also be sent to a licensed municipal landfill if approved by the landfill operator. Carcasses should not be disposed of in or adjacent to water bodies, roads, and ditches.

### Water Resources

- Maintain a reasonable stocking rate (see definition under *EA Definitions, Part II - Environmental Review*) in the proposed game farm area to mitigate potential impacts from erosion and fecal matter. Potential water quality impacts also could be minimized by disposing dead animals and excess fecal material at a site that is isolated from surface water and groundwater (disposal must meet county regulations for solid waste).

3.a. If, in fact, the south boundary of the proposed project lies within the 100-year Ashley Creek floodplain, move this boundary north and above the active 100 year floodplain. This could affect 1-3 acres of the proposed game farm.

### Vegetation Resources

- Provide supplemental feed to the elk during fall and winter to reduce the probability of overgrazing in the enclosure and to provide for the nutritional requirements of elk.

### Fish and Wildlife Resources

- Store hay, feed, and salt away from exterior fences, or in buildings.
- Feed game farm animals at the interior of the enclosure and not along the perimeter fence.
- Remove dead animals, excess fecal material, and waste feed from the game farm and deposited at an approved site not likely to be used by humans, and domestic and wild animals.

- Inspect the exterior game farm fence on a regular basis and immediately after events likely to damage the fence to insure its integrity with respect to trees, burrowing animals, predators and other game animals.
- Adjust fence requirements to include double fencing, electrification, or increased height, if fence integrity or ingress/egress becomes a problem.

#### **Noise**

- Stock a minimal number of bulls to minimize bugling during the mating season.
- Limit noisy construction activities to daylight hours and complete work as quickly as possible.

#### **Cultural Resources**

- Mitigate impacts to cultural resources by stopping work in the area of any observed archeological artifact. Report discovery of historical objects to:

Montana Historical Society  
Historic Preservation Office  
1410 8th Avenue; P.O. Box 201202  
Helena, Montana 59620  
(406) 444-7715.

If work stoppage in the area containing observed artifacts is not possible, record the location and position of each object, take pictures and preserve the artifact(s).





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## ENVIRONMENTAL ASSESSMENT CHECKLIST

### PART I. GAME FARM LICENSE APPLICATION

Montana Fish, Wildlife & Park's authority to regulate game farms is contained in sections 87-4-406 through 87-4-424, MCA and ARM 12.6.1501 through 12.6.1519.

**1. Name of Project:** Levengood

Application Date: 4/5/98

**2. Name, Address and Phone Number of Applicant(s):**

Scott Levengood  
425 N. Somers Stage Rd.  
Kalispell, MT 59901

**3. If Applicable:**

Estimated Construction/Commencement Date: 4/15/98

Estimated Completion Date: 4/15/2000

Is this an application for expansion of existing facility or is a future expansion contemplated? new facility

**4. Location Affected by Proposed Action (county, range and township):**

Flathead Co., T 28N, R 21W, Section 35 mostly within SW1/4 SW1/4

**5. Project Size:** Estimate the number of acres that would be directly affected that are currently: 45

(a) Developed:

residential..... \_\_ acres

industrial..... \_\_ acres

(d) Floodplain... \_\_ acres

(e) Productive:

irrigated cropland. \_\_ acres

dry cropland (hay). 45 acres

forestry..... \_\_ acres

rangeland..... \_\_ acres

other..... \_\_ acres

(b) Open Space/Woodlands/Areas.... \_\_ acres

(c) Wetlands/Riparian Areas..... \_\_ acres

6. Map/site plan: attach a copy of the map submitted with the application (an 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map) showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.

See Appendix B

7. Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action: The proposed project is to construct game farm for viewing and breeding elk as well as producing elk antlers. No hunting is proposed. The game farm will provide additional business income for the landowner and viewing opportunities for the public using the adjoining county road. The project would be constructed in 2 phases. The first phase would enclose 10 acres near the county road and include quarantine facilities; phase 2 would enclose another 35 adjoining acres (Appendix B, Figure 2).

8. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction:

(a) Permits:

<u>Agency Name</u>	<u>Permit</u>	<u>Date Filed/#</u>
--------------------	---------------	---------------------

(b) Funding:

<u>Agency Name</u>	<u>Funding Amount</u>
--------------------	-----------------------

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
--------------------	-------------------------------

Montana Historical Society/

State Historic Preservation Office

Cultural

Flathead Regional Development Office

Planning

Montana Department of Livestock

Licensing

9. List of Agencies Consulted During Preparation of the EA:

Montana Historical Society/State Historic Preservation Office

Flathead Regional Development Office

Montana Dept. of Livestock

## **PART II. ENVIRONMENTAL REVIEW**

This section of the EA presents results of an environmental review of the Proposed Action. The assessment contains an evaluation of direct and indirect impacts and cumulative effects of the Proposed Action on the following resources of the physical environment: land, air, water, vegetation, fish and wildlife; and the following concerns of the human environment: noise, land use, human health risk, community impacts, public services and taxes, aesthetics and recreation, and cultural and historical resources. Impacts were determined to fall in one of four categories: unknown, none, minor and significant. For the purposes of this EA, and in accordance with ARM 12.2.429-431, these terms are defined as follows:

### **EA DEFINITIONS**

**Cumulative Effects:** Collective impacts on the human environment of the Proposed Action when considered in conjunction with other past and present actions related to the Proposed Action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impacts statement evaluation, or permit processing procedures.

**Unknown Impacts:** Information is not available to facilitate a reasonable prediction of potential impacts.

**Significant Impacts:** A determination of significance of an impact in this EA is based on individual and cumulative impacts from the Proposed Action. If the Proposed Action results in significant impacts that can not be effectively mitigated, FWP must prepare an EIS. The following criteria are considered in determining the significance of each impact on the quality of the human environment:

- severity, duration, geographic extent and frequency of occurrence of the impact;
- probability that the impact would occur if the Proposed Action occurs;
- growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative effects;
- quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources or values;
- importance to the state and to society of each environmental resource or value that would be affected;
- any precedent that would be set as a result of an impact of the Proposed Action that would commit FWP to future actions with significant impacts or a decision in principle about such future actions; and
- potential conflict with local, state, or federal laws, requirements, or formal plans.

**Reasonable Stocking Rate:** The density of animals appropriate to maintain vegetative cover in pasture condition that minimizes soil erosion from major precipitation events and snowmelt. The methodology used to evaluate the proposed stocking rate is presented below in item 4, *Vegetation*.

## PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u>	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	Will the proposed action result in:	UNKNOWN	NONE	MINOR	SIGNIFICANT	
a. Soil instability or changes in geologic substructure?			X			
b. Disruption, displacement, erosion, compaction, moisture loss, or loss of over-covering of soil which would reduce productivity or fertility?				X	yes	1b.
c. Destruction, covering or modification of any unique geologic or physical features?			X			
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X			
e. Other:						

### AFFECTED ENVIRONMENT:

The proposed game farm area lies on level agricultural land north of Ashley Creek (Appendix B, Figure 1). None of the area proposed for the game farm lies within the 100 year floodplain.

### PROPOSED ACTION:

The planned maximum density at full capacity would be 60 animals for approximately 45 acres. With the use of best management practices such as rest rotation grazing, irrigation, and supplemental feeding, the condition of the soils and land resources should be maintained.

### NO ACTION:

Land would probably continued to be used for agricultural production (hay) or pasture for livestock. The existing zoning precludes any more development.

### CUMULATIVE EFFECTS:

The cumulative effect of using the proposed area as an elk game farm is expected to be minimal. The proposed permit area does not contain any unique or significant soil or land resources that would be lost.

### COMMENTS:

1b. With the use of best management practices such as rest rotation grazing and anticipated irrigation and supplemental feeding, the condition of the soils and land resources should be maintained.

Required stipulations: None

**Recommended Mitigation Measures:** Maintain a reasonable stocking rate within the game farm enclosure to minimize changes in soil structure and potential increased in runoff and erosion of disturbed ground. A "reasonable stocking rate" is defined in the EA definitions section at the beginning of Part II,- Environmental Review.

## PHYSICAL ENVIRONMENT

2. AIR	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
Will the proposed action result in:						
a. Emission of air pollutants or deterioration of ambient air quality?		X				
b. Creation of objectionable odors?			X		2b.	
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. Other:						

### AFFECTED ENVIRONMENT:

The proposed game farm is located adjacent to a private trap and shoot club owned by the landowner. The club has no members other than the landowner. Club users include the landowner and guests. The shooting area lies approximately 300 feet from the closest proposed game farm fence. The closest neighbors to the proposed game farm include the caretaker and the landowner whose residences lie on the 60 acres encompassing the trap shooting area and the proposed elk game farm (Appendix B, Figure 4).

### PROPOSED ACTION:

Up to 60 elk plus calves of the year could occupy the proposed 45 acre game farm at full capacity. No hunting is proposed within the game farm.

### NO ACTION:

The No Action alternative would probably keep the site as agricultural land. The land would probably be used for hay production or livestock pasture. Typical effects of these practices include periodic dust from reseeding and harvesting and odors associated with livestock.

### CUMULATIVE EFFECTS:

The cumulative effects of the proposed game farm operation on existing air and noise levels is expected to be minor.

### COMMENTS:

2b. Odor problems may result from animal wastes in areas where elk congregate to feed. Odors may be detected by the 2 adjoining residences: the landowner and caretaker. The odor problem can be mitigated by feeding elk away from fences and implementing Best Management Practices (BMPs) associated with fecal material. BMPs include incorporating waste into the soil by spreading, discing, or plowing. Spreading waste during cool weather or in the morning during warm, dry weather. Covering animal carcasses buried on the game farm by 2 feet of soil or removing carcasses to a licensed municipal landfill if approved by the landfill operator. Carcasses should not be disposed of in or adjacent to water bodies, roads, or ditches.

## PHYSICAL ENVIRONMENT

3. <u>WATER</u>	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
Will the proposed action result in:						
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		yes	3a..
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of flood water or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		x				3h.
i. Violation of the Montana non-degradation statute?		X				
j. Effects on any existing water right or reservation?		X				
k. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
l. Effects on other water users as a result of any alteration in surface or groundwater quantity?		X				
m. Other:						

## AFFECTED ENVIRONMENT:

The terrain of the proposed project area is relatively gentle; the proposed game farm would be located approximately 300-1,000 feet from Ashley Creek. The banks of Ashley Creek are well vegetated with dense shrubs and trees in this area. Most of proposed game farm is all located between the 100-year and 500-year floodplains (Appendix B, Figure 3, FEMA Flood Insurance Rate Map, Flathead Regional Development Office, revised 1996). As presently designed, the south boundary would remain above the 100-year floodplain associated with Ashley Creek. The game farm water would be supplied by 2 wells located on the property. Well depths are 296 feet and 354 feet.

## PROPOSED ACTION:

Under normal operations, the proposed game farm should not contribute any contaminants or runoff directly into public waters. Should a 500-year flood occur, a few acres along the south boundary might be inundated or within the shallow dip could potentially flood. Because the existing banks are well vegetated and located 300-1,000 feet from the proposed south fence line, this would help buffer the effects of runoff, should it occur, into Ashley Creek.



**NO ACTION:**

This Alternative would probably maintain the current land uses for hay production or pasture.

**CUMULATIVE EFFECTS:**

No cumulative effects on water quality or quantity area anticipated from the Proposed Action.

**COMMENTS:**

**Required stipulations:** None

**Recommended Mitigation Measures:**

3h. Maintain a reasonable stocking rate within the game farm enclosures to minimize changes in soil structure and potential increased in runoff and erosion of disturbed ground. A "reasonable stocking rate" is defined in the EA definitions section at the beginning of Part II,- Environmental Review. Incorporate animal wastes into soil on a regular basis. Insure the fence boundaries are above the 100-year floodplain.

## PHYSICAL ENVIRONMENT

4. <u>VEGETATION</u>  Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Changes in the diversity, productivity or abundance of plant species?		X				
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. Other:						

### AFFECTED ENVIRONMENT:

The proposed game farm site consists of agricultural land. No native trees, shrubs, or perennial herbaceous species would be affected by the proposed game farm. As with other agricultural operations, the management of the proposed game farm would include control of noxious weeds per regulations for Flathead County.

### PROPOSED ACTION:

The proposed game farm would be licensed for up to 60 elk on approximately 45 acres. Depending on the grazing system, irrigation used, and the amount of supplemental feeding, the game farm should be able to support up to 60 elk without significant impacts to vegetation.

### NO ACTION:

Under this Alternative, the land would probably continued to be used for agricultural activities.

### CUMULATIVE EFFECTS:

No cumulative effects to existing or native vegetation is expected due to the proposed action.

### COMMENTS:

Required Stipulations: None

**Recommended Mitigation Measures:** Maintain a reasonable stocking rate within the game farm enclosures to minimize impacts to vegetative cover and reduce potential for changes in soil structure and increases in runoff or erosion of disturbed ground. A "reasonable stocking rate" is defined in the EA definitions section at the beginning of Part II, - Environmental Review.

## PHYSICAL ENVIRONMENT

5. FISH/WILDLIFE	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
Will the proposed action result in:						
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game species?		X				
c. Changes in the diversity or abundance of nongame species?			X		yes	5c.
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?			X			
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. Increased risk of contact between game farm animals and wild game?				X	yes	5h.
i. Increased risk to wildlife health from disease?				X	yes	5i.
i. Other: _____						

### AFFECTED ENVIRONMENT:

The proposed game farm area would be located on agricultural area near Ashley Creek in the lower Flathead Valley. These lands are typically used for hay production. The game farm area is located in an area zoned agricultural with no more than 1 home/20 acres. The proposed game farm would lie approximately 300 feet north of Ashley Creek which supports dense shrub and deciduous tree riparian vegetation along its banks. Wildlife species typical of this area include white-tailed deer, meadow voles, striped skunks, ring-necked pheasants, Hungarian partridge, red-winged blackbirds, western meadowlarks, kestrels, red-tailed hawks, great horned owls, northern flickers, as well as nesting or migratory waterfowl. Bald eagles might move through the area and/or perch on trees along Ashley Creek. Elk, moose, mule deer, mountain lions, wolves, grizzly bears, or black bears are unlikely to occur within or very near the proposed project area due to its central valley location and limited forest cover.

### NO ACTION:

The area would probably continue to be used as agricultural land. Wildlife species which can be found there now would probably continue to occupy the area as no significant changes in habitat would be expected. The change from various agricultural crops to pasture could alter the small mammal and bird community depending on the degree of cover retained and timing of hay cutting or crop planting and harvest. Pasturelands or alfalfa crops might attract white-tailed deer and Canada geese during the spring/summer.

### PROPOSED ACTION:

5c & e. The proposed action will exclude use of the 45 acre game farm site by white-tailed deer and probably waterfowl such as Canada geese. Due to the abundance of other foraging areas in the vicinity, the proposed game farm is not expected to

change the diversity or abundance of game or nongame species living in this area. The proposed game farm is not large enough to significantly influence the seasonal or daily movements of white-tailed deer through this area. The movements of a few deer around the perimeter of the game farm would be a minor inconvenience. Deer would be able to continue to bed and move along Ashley Creek, a natural travel corridor. Pheasants or larger birds such as kestrels or hawks might fly into the fence and be fatally injured. This would affect individuals and not populations.

5h & i. White-tailed deer are year-round residents and are common in the proposed project area. There is an undetermined potential of domestic elk carrying or becoming infected with a contagious wildlife diseases or parasite such as tuberculosis, chronic wasting disease, or meningeal worm and them coming into contact (through-the-fence, nose-to-nose, nose-to-soil, or ingress/egress) with wild big game animals (e.g white-tailed deer). Release of a contagious diseases in the wild could severely impact native wildlife populations. It is also possible that disease and parasites carried by wild elk could be introduced to domestic elk with equally severe impacts. Ingress of deer or other game animals would likely result in the destruction of trespassing animals.

#### NO ACTION:

No wildlife related impacts are expected to occur under the No Action Alternative. The 45 acres would likely continue to be used for agricultural production for crops, hay, or pasture.

#### CUMULATIVE EFFECTS:

There would be no cumulative effects for fish or wildlife associated with this project.

#### COMMENTS:

**Required Stipulations:** The following stipulation is designed to mitigate significant impacts identified in the EA to below the level of significance:

*Report the ingress of any wild game animals or egress of domestic elk to FWP immediately. The report must contain the probable reason why or how ingress/egress was achieved.*

This stipulation is imposed to mitigate potentially significant risk to wildlife health posed by the proposed game farm. Risk to wildlife health from contact between game farm animals and wild game is potentially significant due to the site being located in an area used by wild game (e.g. white-tailed deer). The information provided by the stipulation would help both the applicant and FWP to address ingress and egress incidents and to minimize contact between wild and domestic animals. This stipulation, in addition to existing FWP fencing and wildlife protection requirements, would effectively reduce the risk to wildlife health to below significant.

#### **Recommended Mitigation Measures:**

The following standard game farm management practices would help to minimize impacts to free ranging fish and wildlife species. Implementation of these practices is highly recommended and should be considered a form of mitigation.

1. Store hay, feed, and salt away from exterior fences or in buildings.
2. Feed game farm animals at the interior of the enclosure and not along the perimeter fence.
3. Remove dead animals, excess fecal material, and waste feed from the game farm and deposit at an approved site not likely to be used by humans and domestic and wild animals. Do not store waste or feeding materials near Ashley Creek.
4. Inspect the exterior game farm fence on a regular basis and immediately after events likely to damage the fence to insure its integrity with respect to trees, burrowing animals, predators, snow storms, predators, and other game animals.
5. Remove snow on either side of the enclosure fence as required to prevent ingress and egress.
6. Adjust fence requirements to include double fencing, electrification, or increased height if fence integrity or ingress/egress becomes a problem.

## HUMAN ENVIRONMENT

6. <u>NOISE EFFECTS</u>	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
Will the proposed action result in:						
a. Increases in existing noise levels?			X			
b. Exposure of people to severe or nuisance noise levels?		X				
c. Other: Effect of shooting area on elk.	X					

### AFFECTED ENVIRONMENT:

The existing area is used for agricultural production, rural residences, and recreation. The private trap shooting range is only used by the private landowner and guests. Trap shooting activities occasionally produce noise in the area. The shooting area is located approximately 300 feet from the closest proposed game farm fence.

### PROPOSED ACTION:

Shooting noises at the trap club shooting area, located approximately 300 feet south of the phase 1 fence area, could initially disturb game farm elk. After a few days of acclimation to these noises, these animals should become accustomed to these activities.

6a. The Proposed Action would result in minor short-term increase in noise levels from fence construction activities. Elk bugling during the mating season could be expected. The trap club house and landowner and caretaker homes would be located adjacent to the proposed game farm. Only a few other landowners could probably hear the elk bugling in the fall from their residences (Appendix B, Figure 1).

### NO ACTION:

Noise levels should continue to occur as they have in the past. Noises will most likely to continue to be typical of agricultural operations and the private trap shooting club.

### COMMENTS:

Required Stipulations: None

**Recommended Mitigation Measures:** 6c. Stock a minimal number of bulls to reduce bugling during the mating season. Limit noisy construction activities to daylight hours and complete work as quickly as possible. When bringing in new elk to the game farm elk, allow the elk to adjust gradually to trap shooting by keeping them as far away as possible from the fence immediately adjacent to the shooting area for a while until they become habituated to the noises. Monitor the elk's reactions to the shooting to reduce any risks of escape through the fence.

## HUMAN ENVIRONMENT

7. <u>LAND USE</u>  Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Conflict with any existing land use that would be adversely affected by the proposed action?		X				
e. Adverse effects on or relocation of residences?		X				
f. Other:						

### AFFECTED ENVIRONMENT:

The principal land use of the proposed project area consists of agriculture, rural residential, private recreational (e.g. trap shooting, trout pond, game bird farm). The area is zoned 20 acre agricultural.

### PROPOSED ACTION:

The proposed elk game farm would be a use consistent with agricultural land use and zoning (S. Kountz, Flathead Regional Development Office, pers. comm).

### NO ACTION:

If the elk game farm is not constructed, existing land uses would be expected to continue.

### CUMULATIVE EFFECTS:

The proposed action is consistent with existing land uses in the area. The area was recently zoned rural residential. The proposed game farm occupies 45 acres which cannot be further subdivided. No potential cumulative effects on land use from the Proposed Action as well as past, present, and reasonably foreseeable actions are anticipated.

### COMMENTS:

Required Stipulations: None

Recommended Mitigation Measures: None



## HUMAN ENVIRONMENT

8. <u>RISK/HEALTH HAZARDS</u>  Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Risk of dispersal of hazardous substances (including, but not limited to chemicals, pathogens, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8a.
b. Creation of any hazard or potential hazard to domestic livestock?			X		Yes	8b.
c. Creation of any hazard or potential hazard to human health?			X		Yes	8c.
d. Other:			X			

### AFFECTED ENVIRONMENT:

The proposed project area is used by white-tailed deer, upland game birds, waterfowl and a variety of non-game wildlife (see Section 5 Fish and Wildlife).

### PROPOSED ACTION:

The proposed action allows up to 60 elk to occupy the proposed game farm site. Domestic elk can develop diseases such as tuberculosis or brucellosis which are transferable to humans.

### NO ACTION:

The proposed game farm would be used to raise crops, hay or livestock. The risks of disease transmission to wildlife and humans would be minimal because horses, cattle, and other domestic animals are generally vaccinated for major diseases and treated for parasites.

### COMMENTS:

8a. Spread of contagious disease may directly or indirectly (depending upon the nature of the disease) affect the human environment by reducing the number of wild ungulates available for hunting or exposing hunters to diseases that are contagious to humans as well. Risk of disease transmission from domestic elk to wild ungulates can be minimized by routine disease surveillance of the herd.

8b. Brucellosis and tuberculosis are potentially transmittable diseases from elk to cattle and cattle to elk. The risk of disease being passed from domestic elk to domestic livestock would be minimal if fence integrity is maintained and appropriate mitigation measures (see section 5) are followed. The potential for disease transmission to domestic livestock and wildlife from game farm animals is also mitigated through Department of Livestock disease testing requirements, rules and regulations. All animals placed on this game farm will be required to be tested for tuberculosis at the time of import, purchase and/or transportation to the game farm. A test for brucellosis is required for all cervidae that are sold or moved within the state, and is required for all game farm animals imported into Montana. Each game farm is required to have an isolation pen (quarantine facility) on the game farm to isolate any animals that are imported or become ill. The state veterinarian can require additional testing and place herds under strict quarantine should problems arise.

8c. If tuberculosis or brucellosis were to be transmitted from domestic elk to wild ungulates, hunters field dressing wild ungulates would be subject to some risk of infection. Veterinarians and meat cutters working with diseased game farm animals are at risk of becoming infected with brucellosis or tuberculosis. Risk to human health from diseased animals could be significant but routine brucellosis and tuberculosis testing requirements for game farm animals offer a measure of surveillance that minimizes that risk. Failure to comply with these requirements is grounds for license revocation.

**Required Stipulations:** None

**Recommended Mitigation Measures:** The standard recommended mitigation measures identified in Section 5 are applicable to this section, too. In addition, risk of disease epidemic or heavy parasite infections among domestic elk can be minimized by maintaining a reasonable domestic elk stocking rate in relation to the enclosure size, periodic removal of domestic elk manure from concentration areas, and development of a disease immunization and parasite treatment protocol as applicable to domestic elk.

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## HUMAN ENVIRONMENT

9. <u>COMMUNITY IMPACT</u>  Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X			9c.	
d. Changes in industrial or commercial activity?		X				
e. Changes in historic or traditional recreational use of an area?		X			9e.	
f. Changes in existing public benefits provided by affected wildlife populations and wildlife habitats (educational, cultural or historic)?		X				
g. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X			9g.	
h. Other:						

### AFFECTED ENVIRONMENT:

The proposed game farm would be located in a rural agricultural area zoned 20-acre agricultural. The property is located approximately 4 miles from Kalispell. The property is surrounded by private land.

### PROPOSED ACTION:

No adverse impacts to the current community are expected from the proposed game farm.

### NO ACTION:

No adverse impacts to the community are expected from the No Action Alternative; current land uses are expected to continue.

### CUMULATIVE EFFECTS:

The cumulative effects of the proposed elk game farm to this area should not change the existing land uses. The proposed activities are consistent with zoning and existing land uses.

### COMMENTS:

9c. There would probably be greater economic return with the elk game farm per acre than traditional land uses.

9e. There would be no hunting allowed on the game farm site. It is expected that previous hunting in this area was already light. The presence of the game farm would not restrict adjoining landowners from hunting and discharging firearms on their property.

9g. The addition of an elk game farm may increase public use (e.g. viewing) to this area to observe elk from gravel county road which serves the area. However, an easily accessible 120 elk capacity game farm is already located a few miles east on a paved road.

Required Stipulations: None

Recommended Mitigation Measures: None

## HUMAN ENVIRONMENT

10. PUBLIC SERVICES/TAXES/ UTILITIES	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
Will the proposed action result in:						
a. A need for new or altered government services (specifically an increased regulatory role for FWP and Dept. of Livestock)?			X		10a.	
b. A change in the local or state tax base and revenues?			X		10b.	
c. A need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Other: _____						

### AFFECTED ENVIRONMENT:

The proposed elk game farm lies along a gravel county road maintained by Flathead County. The county also provides police and school services to this area. The area is served by the Somers Volunteer fire department. The area is also covered by a FWP game warden and biologist. Two existing license elk game farms lie within 5 miles of the proposed site.

### PROPOSED ACTION:

10a & b. The proposed project would not require any additional services of the county. It should not result in a substantial increase in traffic, additional students to the school nor additional fire protection. FWP will need to provide the services necessary to license and inspect the proposed game farm. The Department of Livestock will also be required to license, inspect, and monitor game farm animals.

### NO ACTION:

No additional government services would be expected.

### CUMULATIVE EFFECTS:

The cumulative effects of the existing land uses and the proposed elk game farm probably has resulted in additional demands on government services over previous agricultural land uses. However, these demands are not considered significant alone or in combination. The additional taxes and fees generated by the newer land uses and commercial activities may offset the costs of some of these additional services.

### COMMENTS:

10a. For FWP and Dept. of Livestock, the effect of a new game farm on current workloads is considered minor; however the cumulative impact of the expanding game farm industry in Region One (as well as across the state) has been significant for both agencies. In FY96 and FY97 combined, Region One of FWP received applications for 16 new or expanding elk game farms. Since July 1, 1997, FWP has received another 9 applications for expanded or new elk farms in the Region One, including this one. Statewide, FWP and Dept. of Livestock have processed more than 60 new elk game farm applications in the last 3 years. To meet this expanding work load, both agencies have hired additional personnel and redirected duties of field personnel to cover these additional responsibilities.

Required Stipulations: None

Recommended Mitigation Measures: None

## HUMAN ENVIRONMENT

11. <u>AESTHETICS/RECREATION</u>  Will the proposed action result in:	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X			11a.
b. Alteration of the aesthetic character of a community or neighborhood?			X			11b.
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings?		X				
d. Other:						

### AFFECTED ENVIRONMENT:

The game farm is located in a predominantly rural-agricultural setting near Ashley Creek. The property has already been developed for private trap shooting area with private trout pond, and upland game bird breeding facilities.

### PROPOSED ACTION:

The proposed elk farm will require construction of an 8-foot high tightlock woven fence with posts to surround the existing agricultural lands adjacent to the trap shooting clubhouse and other facilities and along the county road for a short distance (320 feet). The fence would not obstruct most neighbors views of the mountains or creek areas. The elk farm would lie between the caretakers residence and Ashley Creek.

### NO ACTION:

The land would probably remain agricultural but without the fence.

### CUMULATIVE EFFECTS:

The area has already been developed for agricultural, recreational, and residential uses as compared to prior uses. The cumulative effects of these developments is considered minor as these projects are compatible with the character of the existing neighborhood.

### COMMENTS:

11a & b. The alteration of the views would most be observed by users of the club house, trap shooting area, and the caretaker. The game farm is consistent with existing land uses and the rural character of the neighborhood.

Required Stipulations: None

Recommended Mitigation Measures: None

## HUMAN ENVIRONMENT

12. CULTURAL/HISTORICAL RESOURCES	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
Will the proposed action result in:						
a. Destruction or alteration of any site, structure or object of prehistoric, historic, or paleontological importance?	X					12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. Other:						

### AFFECTED ENVIRONMENT:

12a. The proposed game farm site has already been converted to agricultural land. A cultural resource file search by the State Historical Preservation Office is currently being conducted to determine if any known cultural resources are located near or at the proposed game farm site.

### PROPOSED ACTION:

The ground within the proposed project area would be disturbed for the construction of the exterior and any interior fences and for the construction of the quarantine building and access road.

### NO ACTION:

No impacts to unknown cultural resources are expected from the No Action Alternative as existing land uses would be expected to continue.

### COMMENTS:

Required Stipulations: None

### Recommended Mitigation Measures:

12a. If archeological artifacts are observed during game farm construction or from other activities, work should stop in the area and the discovery reported to:

Montana Historical Society  
Historic Preservation Office  
1410 8th Avenue; P. O. Box 201202  
Helena, MT 59620  
(406) 444-7715



## HUMAN ENVIRONMENT

13. SUMMARY EVALUATION OF SIGNIFICANCE	POTENTIAL IMPACT				CAN IMPACT BE MITIGATED	COMMENT INDEX
	UNKNOWN	NONE	MINOR	SIGNIFICANT		
Will the proposed action, considered as a whole:						
a. Have Impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?			X		yes	13b.
c. Potentially conflict with the substantive requirements or any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?	X					13d.
e. Generate substantial debate or controversy about the nature of the impacts that would be created?			X			
e. Other:						

### PROPOSED ACTION:

13b. Spread of contagious wildlife disease may directly or indirectly (depending on the nature of the disease) affect the human environment by reducing the number of wild deer and elk available for hunting, or exposing hunters to diseases that are contagious to humans as well.

13d. The nature of impacts to wildlife from elk game farms is currently under debate in Montana and other states. the following issues are of the greatest concern:

- a. Disease transmission from game farm elk to wildlife is possible if the game farm elk are diseased and have an opportunity to come into contact with wild elk or deer.
- b. Genetic hybridization of Montana's game species resulting from the ingress/egress of animals on game farms.
- c. Potential for wild animals to ingress into the game farm. Ingressing elk and deer are generally killed, typically by FWP wardens, to prevent potential disease transmittal. Ingressing mountain lions and black bears may be immobilized and removed.
- d. Theft of wild animals for financial gain on game farms.

These issues are particularly controversial when game farms block migration routes or consume significant areas of land historically utilized by wild game. Inadequate perimeter fencing and fence monitoring on the part of the game farm operator can also lead to ingress and egress events and nose-to-nose contact between wild game and game farm animals. Because the proposed game farm area is too small to effectively block big game migration routes or consume a significant portion of land utilized by wild game, the controversial nature of the Proposed Action is minor. The game farm is located within year-round white-tailed deer habitat.

#### NO ACTION:

minor or significant impacts are anticipated under the No Action alternative. It is assumed that the landowner will continue to manage the land for agriculture.

#### COMMENTS:

Required Stipulations: (see Summary Section)

Recommended Mitigation Measures: (see Summary Section)

## **PART II. ENVIRONMENTAL REVIEW (Continued)**

### **SUMMARY EVALUATION OF SIGNIFICANCE CRITERIA**

- a. Does the Proposed Action have impacts that are individually minor, but cumulatively considerable? (A project may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)

No, the use of the proposed agricultural land for production of domestic elk would not result in any significant cumulative impacts.

- b. Does the Proposed Action involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?

Yes. An unlikely, but extremely hazardous event should it occur, would be the spread of a disease or parasite from domestic elk to wild ungulates. The risk of this event occurring can be reduced by following the mitigations listed in Sections 5 and 8, and regular disease surveillance.

- c. Description and analysis of reasonable alternatives (including the No Action Alternative) to the Proposed Action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

No Action Alternative: The No Action Alternative would avoid all potential impacts listed above. This site would likely be used for agricultural crops such as grain, hay production, or it could be grazed by livestock should the No Action Alternative be selected. The No Action Alternative would probably not result in exclusion of wildlife from this site.

- d. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

The following standard game farm management practices will help to minimize impacts to free ranging fish and wildlife species. Implementation of these practices is highly recommended and should be considered a form of mitigation.

- Store hay, feed, and salt away from exterior fences, or in buildings.
- Feed game farm animals at the interior of the enclosure and not along the perimeter fence.
- Remove dead animals, excess fecal material, and waste feed from the game farm and deposited at an approved site not likely to be used by humans, and domestic and wild animals.

- Inspect the exterior game farm fence on a regular basis and immediately after events likely to damage the fence to insure its integrity with respect to trees, burrowing animals, predators and other game animals.
- Remove snow on either side the of the enclosure fence as required to prevent ingress and egress.
- Adjust fence requirements to include double fencing, electrification, or increased height, if fence integrity or ingress/egress becomes a problem.

#### **Required Stipulations**

*Report the ingress of any wild game animals and predators (i.e., bear, lion, and coyote) or egress of domestic elk to FWP immediately. The report must contain the probable reason why or how ingress/egress occurred.*

#### **Restriction on Private Property Use**

This stipulation restricts the use of private property by effectively requiring that the proposed game farm be monitored at least once daily for ingress or egress events. The stipulation is consonant with the current FWP requirement to report egress events immediately (ARM 12.6.1517(2)).

#### **Alternatives**

*Do not report ingress and egress events to FWP immediately.*

This stipulation would not adequately address the increased risk to wildlife health. Ingressing wild animals must be detected immediately to prevent contact with wild game after contact with game farm animals.

#### **Benefits from Imposing the Stipulation**

This stipulation is imposed to mitigate predicted risk to wildlife health posed by the proposed game farm. Information provided by the stipulation would help the applicant and FWP to address ingress and egress incidents and to minimize contact between wild and domestic animals. This stipulation, in addition to existing FWP fencing and wildlife protection requirements, would effectively reduce the risk to wildlife health.

#### **Types of Expenditures the Stipulation Would Require**

The stipulation to require immediate notice of ingress and egress events would not impose any additional expenditures beyond those necessary to report egress events in accordance with ARM 12.6.1517(2).

#### **Stipulation's Effect on Property Values**

None.

### **PART III. NARRATIVE EVALUATION AND COMMENT**

**Wildlife use of the area and potential for through-the-fence contact with game farm animals (consider year-around use, traditional seasonal habitat use, and location of travel routes and migration corridors).**

Through the fence contact: The proposed game farm is located in low to moderate density year-long white-tailed deer habitat. Deer use the adjacent Ashley Creek area and would be expected to pass around the proposed game farm area. It is unlikely that white-tailed deer would be attracted to domestic elk held within the enclosure. Deer are attracted to salt and feed if accessible along the fence. This can be mitigated by placing salt, feed, and other deer attractants away from the exterior fence line. Due to the 3-mile distance of the proposed game farm from the western valley foot hills and the 7-mile distance from the eastern foothills, wild elk are unlikely to occur or be attracted across this country to the immediate vicinity of the game farm. Elk

which might be moving through the valley are unlikely to stay for any length of time due to their high vulnerability, the higher density of people located in the valley bottom, and the general lack of suitable hiding cover.

Transmission of disease or parasites may occur during nose-to-nose contact, nose-to-body contact, and by contacting vegetation and feces along the fence line. Although nose-to-nose contact between domestic elk and wild deer is not likely to occur because of the interspecies differences, it can not be entirely ruled out. Disease transmission may occur from wild ungulates to domestic elk and from domestic elk to wild ungulates. Diseases such as tuberculosis are highly contagious and can be easily transmitted between domestic elk and wild and domestic ungulates. Tuberculosis can also be transmitted to humans and is a serious health risk. Brucellosis is another disease that can be transmitted between domestic and wild ungulates and humans.

Risk of disease transmission can be reduced by maintaining the integrity of the enclosure fence, by maintaining a healthy domestic elk population, and by following the above listed mitigation recommendations. Maintaining a healthy elk herd requires regular testing and surveillance for diseases. If the game farm is managed properly, the risk of disease transmission from domestic elk to wild ungulates would likely be minimal.

**Potential for escape of game farm animals or ingress of wildlife (consider site-specific factors that could reduce the effectiveness of perimeter fences built to standards outlined in Rule 12.6.1503A, including steepness of terrain, winter snow depths/drifts, susceptibility of fences to flood damage, etc.).**

Fence integrity: Fence construction would comply with proposed changes to the FWP game farm rules, and would include 8-foot high, tightlock mesh game fence supported by wooden posts or 2 1/4-inch steel pipes set 3 feet into the ground and spaced not more than 24 feet apart. Corners would consist of 4-inch wooden posts with bracing. Gates would consist of an 8-foot high, welded metal frame with mechanical self-latches and chains with locks. The proposed game farm is located on level ground and is not crossed by any drainages. Overall, the site potential for fencing this pasture is excellent.

The proposed enclosure site is located in the Flathead Valley at an elevation of about 2,900 feet. In a typical year, approximately 1 foot of snow would accumulate at the site. However, some years 2 to 3 feet of snow may accumulate. This area has a moderate potential for drifting snow due to open nature of the site; however, this is mitigated by its proximity to Ashley Creek with vegetation to reduce wind velocities. If snow accumulation appeared to be causing an ingress/egress problem, it would be possible to remove snow from either side of the game farm fence.

**Proportion (%) of the total habitat area currently used by wildlife that will be enclosed or otherwise impacted.**

The enclosure would exclude resident wild deer from only a minor portion (<1%) of the area to which they presently have access. The enclosure of 45 acres of hay or pasture land would not seriously effect wild ungulates or other wildlife species population viability in this area.

## **PART IV. EA CONCLUSION**

### **1. Based on the significance criteria evaluated in this EA, is an EIS required? YES / NO**

No. The appropriate level of analysis for the Proposed Action is a mitigated EA because all impacts of the Proposed Action have been accurately identified in the EA; and all identified significant impacts would be mitigated to minor or none.

### **2. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the Proposed Action, is the level of public involvement appropriate under the circumstances?**

Upon completion of the Draft EA, a notice is sent to adjoining landowners, local newspapers, and other potentially affected interests, explaining the project and asking for input during a 21-day comment period which is planned from August 3, 1998 until 5 pm on August 24, 1998. The Draft EA is also available to the public from the FWP office in Kalispell at the address and phone listed below and in the *Introduction* section of this EA, and through the State Bulletin Board System during the public comment period.

3. Duration of comment period if any: 21 days

4. Name, title, address and phone number of the Person(s) Responsible for Preparing the EA:

Dept. of Fish, Wildlife and Parks

Mike Quinn, FWP Region 1 Game Warden  
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## APPENDIX A

Private Property Assessment Checklist  
Private Property Assessment Act Checklist



## **PRIVATE PROPERTY ASSESSMENT CHECKLIST**

### **PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST**

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

*Report the ingress of any wild game animals or egress of domestic elk to FWP immediately. The report must contain the probable reason why or how ingress/egress was achieved.*

## PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

### DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Does the action result in either a permanent or indefinite physical occupation of private property?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Does the action deprive the owner of all economically viable uses of the property?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Does the action deny a fundamental attribute of ownership?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is NO, skip questions 5a and 5b and continue with question 6.]
<input type="checkbox"/>	<input type="checkbox"/>	5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
<input type="checkbox"/>	<input type="checkbox"/>	5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Does the action have a severe impact on the value of the property?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is NO, do not answer questions 7a-7c.]
<input type="checkbox"/>	<input type="checkbox"/>	7a. Is the impact of government action direct, peculiar, and significant?
<input type="checkbox"/>	<input type="checkbox"/>	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
<input type="checkbox"/>	<input type="checkbox"/>	7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with § 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

## APPENDIX B

- Figure 1. General Location for the Proposed Levensgood Game Farm
- Figure 2. Location of Proposed Levensgood Game Farm
- Figure 3. Floodplain Map for Levensgood Game Farm
- Figure 4. General Layout for the Proposed Levensgood Game Farm

draft





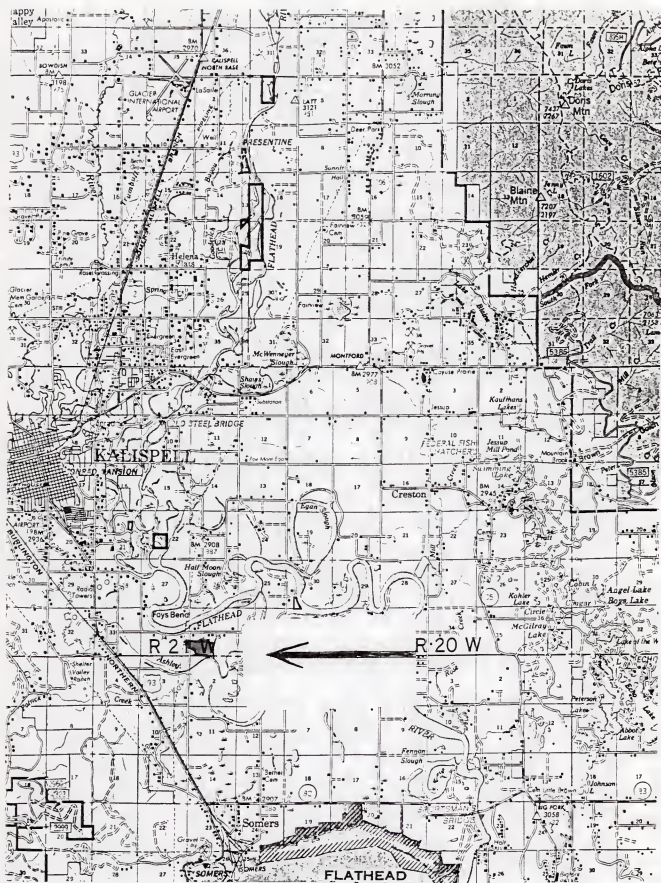


Figure 1. General location for the proposed Levgood Game Farm, Kalispell, MT.



Figure 2. Location of proposed Levensgood Game Farm,  
Kalispell, MT.

1 = Phase 1 construction

2 = Phase 2 construction

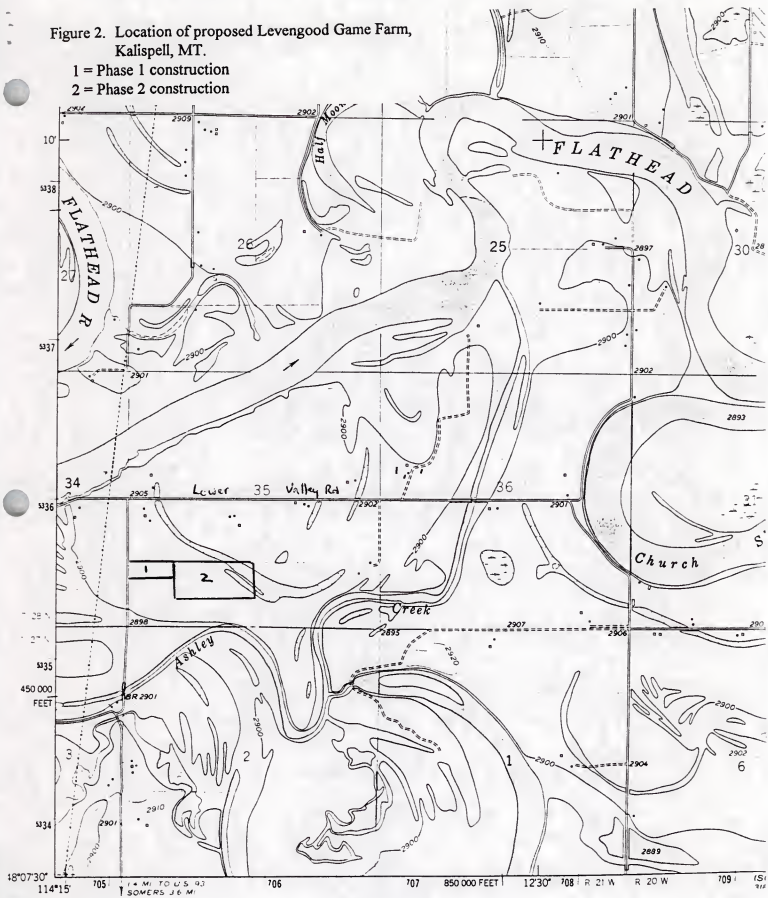




Figure 3. Floodplain map for Levensgood Game Farm, Kalispell, MT.

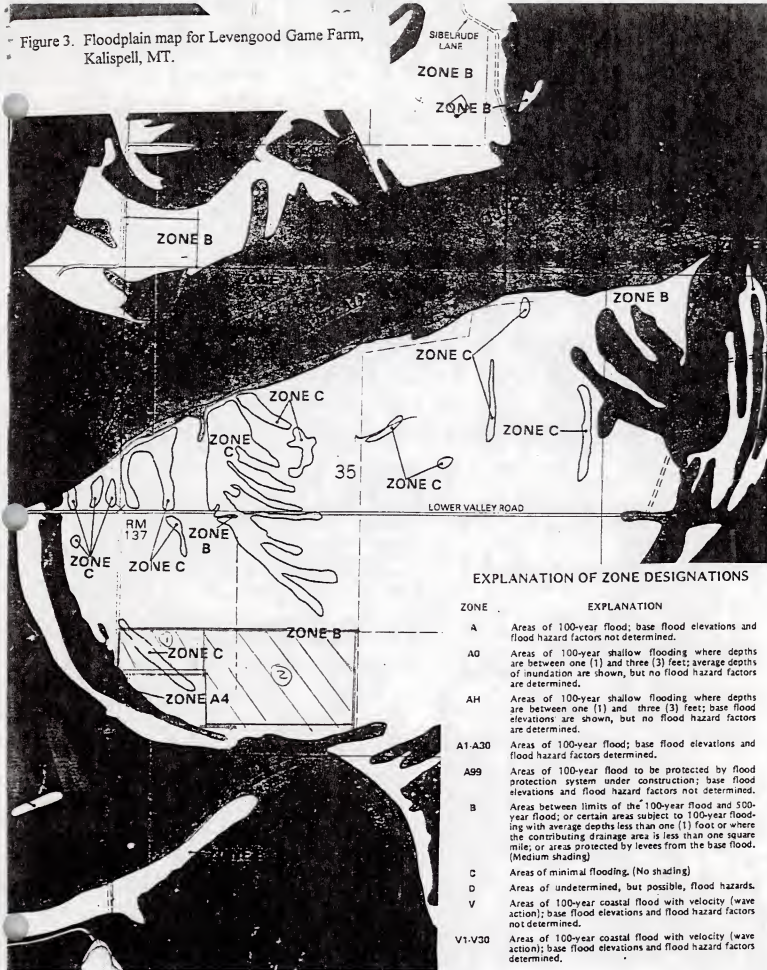






Figure 4. General layout for the proposed Levensgood Game Farm, Kalispell, MT. (Not to scale)



